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Paper No. 5

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JUL 5 2001

Baker Botts LLP
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980

In re Application of :
Marshall and Capon :
Application No.: 09/751,756 :
Filed: December 29, 2000 :
Attorney Docket No: 062891.0451 :
For: A METHOD AND SYSTEM FOR PROVIDING :
EXTENDED REACH OF A DIGITAL SUBSCRIBER :
LINE SIGNAL :

**OFFICE OF PETITIONS
A/C PATENTS**

DECISION ACCORDING
STATUS UNDER
RULE 47(a)

This is in response to the petition under 37 CFR 1.47(a), filed April 16, 2001 (certificate of mailing of the same date.)

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

A "Notice to File Missing Parts of Non-Provisional Application" ("Notice") was mailed to petitioner on February 14, 2001, indicating that petitioner did not file a proper oath or declaration in compliance with 37 CFR 1.63. The Notice also advised petitioner that a \$130.00 surcharge was also due because a proper oath or declaration was not timely filed. The Notice set forth an extendable period of reply of two months from the mailing date of the Notice. Although a reply to the Notice was due on April 14, 2001, the instant petition was not filed until April 16, 2001. Therefore, pursuant to the authorization provided in the instant petition, deposit account 02-0384 will be assessed \$110.00 for an extension of time within first month which is necessary in order for the petition to be considered timely filed.

In response thereto, petitioner filed the instant petition along with several accompanying exhibits through which petitioner established that, although the non-signing inventor was mailed the complete application papers (specification, abstract, claims, drawings, and assignment), the non-signing inventor declined to execute the declaration.

Petitioner has shown that the non-signing inventor has refused to join the filing of the above-identified application after having been presented with the application papers, and the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

In re Application of Marshall and Capon
09/751,756

Page 2

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.

Patricia Faison-Bell
for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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Michael H. Capon
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Austin, Texas 78728

In re Application of
Marshall and Capon
Application No. 09/751,756
Filed: December 29, 2000
For: A METHOD AND SYSTEM FOR PROVIDING
EXTENDED REACH OF A DIGITAL SUBSCRIBER
LINE SIGNAL

LETTER

Dear Mr. Capon:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (703) 305-0010. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Flanagan
Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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